

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

GARRETT LEON ^{7/18/05 NOV 23, A 9:30}
Petitioner

J. P. HAGUE
DISTRICT
PROSECUTOR

vs

Warden Greenbaum
Moore et al.,
Respondent

CIVIL ACTION NO. 2:05-CV-
1082-T
(W.D.)

Alertions

comes now, Garrett Gaines to file
IN THE ABOVE STYLIS AND CAUSE IN
RESPONSE TO RECOMMENDATION FOR
SUMMONS DISMISSEAL OF PETITION
THIS HANDELS CORPUS PETITIONAL PETIT-
JUROR ALERTS FOR THE FOLLOWING
REASONS:

Background

(1) On February 4th, 2005, Gaines was
involved in an altercation with a
fellow inmate. It was discovered
and Gaines was arrested and placed
in ADMIN. SEPARATION. On March 7,
2005, Gaines was served a charges
for assault on another inmate. It
was served upon him twenty (20)
days later. Gaines was found
guilty and it was decreed he
lose 2 years good time credits.
which pushed his release date
from March 21, 2006 to November 1, 2006.
In March 2005 due to being

FOUND BIRTHS OF GATES DISCERNABLE.
 Plaintiff was reclassified in March
 2003 from Level (H) for Custodians to
 Level (I) the maximum custodians, and
 has been in segregation in a
 single cell since then, awaiting
 classification. Plaintiff is locked down
 within his cell for twenty-three
 (23) hours a day, and whenever his
 doors come open, he is handcuffed and
 shackled and is allowed to walk
 around a hallway for 45
 minutes if he's lucky. Plaintiff can
 no longer attend Islamic services as
 he once were able to in General
 Population nor is he allowed a
 phone call, but once a month for
 only five minutes, whereupon he
 was able to use the phone whenever
 he choose to in General Population
 for however long.

Legal Argument

- 1) The State proceeds to use the
 Sandin case as the preceding
 and binding case. Plaintiff
 should be allowed to proceed
 with his habeas corpus because
 he has now shown that the violation
 of his procedural due process rights
 in an "unusual and significant
 hardship" on the inmate in relation
 to the various incidents of
 prison life. Sandin, 515 U.S. 472

2) Petitioner was not given disciplinary charges until (20) twenty days after a direct violation of Regulation 505.3, A AND D SECTION. Petitioner was found guilty and from a present loss 2 year good time and was released from Level (4) Four General Population to Level (6) Max Custody and placed in Segregation confinement. Petitioner was placed under "Restrain" therefore his petition falls under the Guidelines of "Grandin v. Palmer 515 U.S. 442, 483-84 (1995).

3) The nature of the violation was dramatic and the state did create a liberty interest under Sandin, dt 483-484.

CONCLUSION

Petitioner's Objection is due to be SUSTAINED and allowed to proceed in the APPLICATION OF HIS HABEAS CORPUS TO PROVE THE MURK OF HIS CASE. Petitioner is due for relief.

Done THIS 15th DAY of November 2005.

Matthew J. Morris
Counselor

Certified by DR. Garret
I HEREBY CERTIFY THAT I SERVED
A COPY OF THE ABOVE ON THE DEF-
ENDANTS ADDRESSED TO:
THE THOMAS GENERAL COUNSEL

DOD, C
301 RIPLEY STREET
MONTGOMERY, ALA.

320130

BY MAILING IN U.S. POSTAL, PRE-
PAID 1ST CLASS, ON THIS 15 DAY OF
NOVEMBER 2005.

Garrett Barnes
Garrett Barnes